



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 0811-N-176-T

RE: APPLICATION OF JOSE CALLE D/B/A JC EXPRESS TAXI TO OPERATE ONE (1) MOTOR VEHICLE IN TAXICAB SERVICE WITHIN AND TO AND FROM HAMDEN, NEW HAVEN AND WEST HAVEN TO ALL POINTS IN CONNECTICUT.

FINAL DECISION

May 27, 2010

I. INTRODUCTION

A. Applicant's Proposal

By application filed on November 3, 2008, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97 of the Connecticut General Statutes as amended, Jose R. Calle d/b/a JC Express Taxi (hereinafter "applicant") of 552 Lombard Street, New Haven, Connecticut, seeks authorization to operate one (1) motor vehicle, in taxicab service within and to and from Hamden, New Haven and West Haven to all points in Connecticut.

B. Hearing

Pursuant to Section 13b-97(a) of the General Statutes, as amended, a public hearing on this application was held at the administrative offices of the department in Newington, Connecticut, on May 6, 2010.

Notice of the application and of the hearing to be held thereon was given to the applicant and to such other parties as required by Section 13b-97(a) of the General Statutes, as amended. Notice to the public was given by publication on the department website at www.ct.gov/dot.

The hearing on this matter was conducted by a hearing officer, designated by the Commissioner of Transportation, pursuant to General Statutes Section 13b-17.

C. Appearances

Jose R. Calle appeared on his own behalf. His address is 552 Lombard Street, New Haven, Connecticut.

George Hernandez, whose address is 248 Lewiston Avenue, Willimantic, Connecticut, is a certified court interpreter who appeared to interpret for the applicant and witnesses.

William Scalzi appeared on behalf of intervenor Transportation General, Inc. d/b/a Metro Taxi (hereinafter "Metro Taxi.") Metro Taxi operates several taxicabs within and to and from the Hamden, New Haven and West Haven under Certificate Number 86. Metro Taxi was granted intervenor status. Metro Taxi's address is 65 Industry Drive, West Haven, Connecticut.

Sheldon Lubin, utilities examiner with the Regulatory and Compliance Unit of the department was present at the hearing.

II. FINDINGS OF FACT

1. The applicant seeks to operate one taxicab in the combined territory of Hamden, New Haven and West Haven.
2. The applicant does not have a criminal conviction record.
3. The applicant has a few months of experience driving a taxicab for his brother's company.
4. The applicant currently works full time for a company unrelated to transportation.
5. The applicant would like to operate his business in the event that he is laid off from his current full-time job.
6. Three witnesses have had trouble getting a Metro Taxi for service and have had to wait from 45 minutes to an hour to get service.
7. There are approximately twenty (20) taxicab companies that operate within Hamden, New Haven and West Haven which translates to approximately 70 taxicabs in said area.
8. The witnesses who appeared in support of the applicant have never called any of the other existing taxicab companies in New Haven, Hamden or West Haven for a taxicab when Metro was unavailable.
9. The applicant estimates his annual costs as follows: \$275 for property taxes, \$7,200 for fuel repairs and maintenance at \$1,200 and insurance will cost \$5,000.
10. The applicant maintains a checking and savings account in which he has a combined total of \$15,545. Calle has equity in his home of \$39,500.
11. The applicant will purchase a new or used car, which he expects will cost approximately \$5,805, which he will finance or pay for outright.

III. DISCUSSION

The Department of Transportation has jurisdiction over common carriers, which includes each person, association, limited liability company or corporation owning or operating a taxicab in the State of Connecticut in accordance with Connecticut General Statutes Section 13b-96, as amended. The department is authorized to prescribe regulations with respect to fares, service, operation and equipment, as it deems necessary for the convenience, protection and safety of the passengers and the public.

Pursuant to Section 13b-97(a), as amended, any person who applies for authority to operate a taxicab shall obtain from the department a certificate of public convenience and necessity certifying that the public's convenience and necessity requires the operation of a taxicab or taxicabs for the transportation of passengers. No certificate shall be issued unless the department finds that the person is suitable to operate a taxicab service. In so doing, the department must take into consideration any convictions of the applicant under federal, state or local laws relative to safety, motor vehicle or criminal violations, the number of taxicabs to be operated under the certificate, the adequacy of the applicant's financial resources to operate the service, the adequacy of insurance coverage and safety equipment and the availability of qualified operators.

In support of suitability, the applicant provided the requisite criminal conviction history which shows that the applicant has no record and he has not been involved in criminal activity since the date of the history. The applicant has driven a taxicab for his uncle for a few months. It appeared he had a vague knowledge of operating a taxicab business but was not definitive about certain aspects of dispatching and hours of operation and related issues. As there is no evidence on the record to contravene the applicant's suitability, the applicant is deemed suitable to operate the proposed service, although he would be advised to review and become familiar with the statutes and regulations governing taxicab operation if the application is granted.

In support of financial wherewithal, the applicant provided the requisite balance sheet showing that the applicant owns a home jointly with his spouse valued at \$185,000 with a mortgage balance of \$106,000. His share of the equity is \$39,500. Calle also owns a vehicle outright that is worth approximately \$2,500. Calle's checking and savings account balances total approximately \$15,545. Calle is interested in a 2003 Ford Crown Victoria that is worth \$5,805 which he will purchase out of pocket or finance through the dealer.

The cost of the 2003 Florida Crown Victoria that the applicant wishes to purchase for the business is worth approximately \$5,800 and he will pay for it outright or he will finance it through the dealership. The applicant's projected expenses are \$275 for property tax, \$7,200 for fuel, repairs and maintenance at \$1,200 and insurance will cost \$5,000. The applicant possesses the financial wherewithal to operate the proposed service.

The applicant seeks only one vehicle in taxicab service and the record is silent with regard to any other drivers for the company. The applicant was not sure of hours he would operate -- unfamiliar with the requirements of the regulations that require 24 hour operation. The applicant was unsure of many aspects of taxicab service and how he would effectuate the proposed business.

Lastly with regard to public convenience and necessity, the evidence is lacking and unpersuasive. While several witnesses, some relatives, testified that they require taxicab service, two of the witnesses said they use taxicabs if not several times a week, then every day and there are times when the company that they use, Metro Taxi, is not responsive and they wait for up to an hour for service. When cross examined regarding calling other taxicab companies for service, the witnesses testified that they do not call other companies and have not called other companies. The gist of their testimony was that they would not call other companies for service – one witness said that she would not call any other company.

The department's records show that there are approximately twenty other taxicab companies providing service within and to and from Hamden, New Haven and West Haven. When questioned about whether the witnesses called for service with other companies, the witnesses said they did not, they were only familiar with one number and frankly, they would not bother to call another company. Accordingly, their failure to make use of the resources currently in existence is not a basis for granting an application for taxicab service. There was no testimony proving that there are no other services available to provide taxicab transportation for the witnesses who testified. Their testimony did not speak to true public convenience and necessity.

In opposition to this application was Transportation General, Inc. d/b/a Metro Taxi which operates taxicabs within and to and from Hamden, New Haven and West Haven. The representative of Metro Taxi and its witnesses, who were comprised of its call center manager and its driver services and operations manager who testified that the call volume is not to its capacity and that the drivers for the company can provide more service if there was a need for more taxicab service.

While Scalzi and the witnesses argued that there was no public convenience and necessity based on their call volume relative to the number of vehicles Metro Taxi operates, there are many reasons that members of the public may choose not to use an existing company. Notwithstanding the above, the applicant failed to prove that the public convenience and necessity requires approval of this application.

IV. CONCLUSIONS OF LAW

The applicant possesses the financial wherewithal to operate the proposed business and the suitability to operate the proposed business. However, there is no substantial evidence in the record that shows the public convenience and necessity requires the grant of the instant application as required by Connecticut General Statutes Section 13b-97.

V. ORDER

Therefore, based upon the foregoing and pursuant to Connecticut General Statutes Section 13b-97, the application of Jose R. Calle d/b/a JC Express is hereby denied.

Dated at Newington, Connecticut, on this 27th day of May 2010.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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